REMARKS

At the time of the Office Action dated January 11, 2005, claims 1-10 were pending. Applicants acknowledge, with appreciation, the Examiner's indication that claims 2-4 and 6-8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In this Amendment, claim 5 has been amended. Care has been exercised to avoid the introduction of new matter. Adequate descriptive support for the amendment can be found on, for example, page 19, lines 18-26. The specification has also been amended to correct an error.

Claims 1, 9 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kim et al.

In the statement of the rejection, the Examiner asserted that Kim et al. discloses a redundancy decoding circuit for a semiconductor memory device identically corresponding to what is claimed. This rejection is respectfully traversed.

It is well established precedent that the factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *See EMI Group N. Am., Inc. v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 60 USPQ2d 1423 (Fed. Cir. 2001); *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

With respect to claim 1, Kim et al. does not disclose a semiconductor device including "a first driver circuit driving said first internal node to said first power supply potential in

accordance with an output of said first inverting circuit" (emphasis added). In the statement of the rejection, the Examiner asserted that a driving unit (MOS transistors MP2, MP1 and MN1) of Kim et al. drives a first internal node to power supply potential. Applicants respectfully disagree with this assertion.

According to the Examiner, the claimed first internal node corresponds to a common node (see column 1, line 52) between a master fuse MF and a NMOS transistor MN2 in Fig. 2 of Kim et al. This node of Kim et al. must be driven by the driving unit (MP2, MP1 and MN1) to meet the limitation recited in claim 1. However, it is apparent from Fig. 2 of Kim et al. that the driving unit is not configured to drive that node, but drive a node L1. Specifically, Kim et al. discloses "a driving unit, ... which supplies a driving current to the output terminal L1 of the comparator 20" (column 1, lines 34-37); "A switching control signal generator allows the driving unit... to drive comparator 20" (column 1, lines 42-45); and "a sufficient level of current is supplied to the output terminal L1 of the comparator 20 by the driving unit..." (column 3, lines 44-48). Therefore, Kim et al. does not identically disclose a semiconductor device including all the limitations recited in claim 1.

As to claim 9, the Examiner asserted that a power up pulse generator 30 in Fig. 2 of Kim et al. corresponds to "a pulse generating circuit varying a pulse width of said window pulse in accordance with a control signal," recited in claim 9. However, according to Fig. 3 of Kim et al., power up pulse generator 30 does not receive a control signal controlling a pulse width. Therefore, Kim's power up pulse generator 30 generates a pulse having a constant pulse width. In addition, although fuses 36 and 37 in Fig. 2 of Kim et al. may be used to adjust the position of the pulse, pulse generator 30 cannot change the pulse width of the window pulse in accordance

with a control signal by using fuses 36 and 37. Therefore, Kim et al. does not identically disclose a semiconductor device including all the limitations recited in claim 9.

The above-described fundamental differences between the claimed invention and Kim et al. undermine the factual determination that Kim et al. identically describes the claimed invention within the meaning 35 U.S.C. §102. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986). Further, dependent claim 10 is also patentable at least because it recites all the limitations recited in independent claim 9. Applicants, therefore, submit that the imposed rejection of claims 1, 9 and 10 under 35 U.S.C. §102(b) for lack of novelty as evidenced by Kim et al. is not factually viable and, hence, respectfully solicit withdrawal thereof.

Claim 5 has been rejected under 35 U.S.C. §102(b) as being anticipated by Böhm et al.

In the statement of the rejection, the Examiner asserted that Böhm et al. discloses "a transistor provided in series with the fuse between the internal node and the second power supply node and connected to a control signal (FL)" and "Inherently, the transistor connected in series with the fuse will act a resistance" (see the second full paragraph on page 3 of the Office Action).

In response, claim 5 has been amended to recite "a second connection circuit provided in series with said first fuse element between said first internal node and said second power supply node, and having a resistance value <u>in a conductive state,</u> variable <u>in a plurality of steps</u> in accordance with a second control signal" (emphasis showing the amended portions). Based on

this Amendment, Applicants submit that Böhm's transistor with a gate for receiving signal FL does not have a resistance value in a conductive state, variable in a plurality of steps in accordance with a second control signal, as recited in claim 5.

Accordingly, Böhm et al. does not identically disclose a semiconductor device including all the limitations recited in claim 5, as amended. Applicants, therefore, respectfully solicit withdrawal of the rejection of claim 5 and favorable consideration thereof.

Conclusion.

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Tomoki Tanida

Tomoki Tanida
Recognition under 37 C.F.R. 10.9(b)

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:TT
Facsimile: 202.756.8087

Please recognize our Customer No. 20277 as our correspondence address.

Date: March 17, 2005